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10/578,223	01/04/2007	Susumu Yamaguchi	4600-0121PUS1	8401
2292 7590 01/31/2012 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
MUKHOPADHYAY, BHASKAR				
ART UNIT		PAPER NUMBER		
1789				
NOTIFICATION DATE		DELIVERY MODE		
01/31/2012		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### **ATTACHMENT TO ADVISORY ACTION**

1. Applicants arguments and amendment filed 12/19/2011 have been entered and have been fully considered, however, they are not persuasive. The amended claims containing phrase "and/or" an ester thereof is supported by the specification, however, the phrase has the option and/or and therefore they are not persuasive. Therefore, the office action has been maintained.

### **Response to Argument**

2. Applicants argue on page 6 that Gilbertson and vegetable oil FA fail to address KOKUMI, a new flavor, and UMAMI. It is however, to be noted that these two Japanese terms e.g. Kokumi means body taste (PGPUB [0001]) and "umami" means enriched (i.e. enhanced) mildness (PGPUB [0014]) which are in the specification, and is not defined further other than the general meaning of "body taste" and 'enhanced' or 'enriched'. These terms are also not in the claim limitation(s) or claim limitation does not contain any specific type/characteristics of "body taste enhancer" which is supported by the specification. Rather the claim limitation has "method of enhancing body taste of foods" and that includes any type of taste including salty, sour, sweet and bitter and therefore these tastes are not excluded as alleged by the applicants ( page 6 2<sup>nd</sup> paragraph). As mentioned in the last office action and incorporated as set forth below,

" Gilbertson teaches about fatty acids exhibiting these properties are those having 20 or more carbon atoms for n-3 or 18 or more carbon atoms for n-6 and having 3 or more double bonds, and polyunsaturated fatty acids including arachidonic acid, eicosapentaenoic acid, and docosahexaenoic acid ( Abstract; Table 1) and the time for taste receptor cells to return to the "resting" state is longer following fatty acid stimulation than for other taste stimuli and so increases the taste receptor cells sensitivity to other stimuli (Abstract), thus meeting the claimed element "enhancing body taste of foods". The motivation is to make the food more palatable with the stimulation of taste buds and enhancement of taste (Abstract)."

3. Applicants argue on page 5 that Gilbertson et al. in a publication related to US 6166076 demonstrated the property differences between the acid and ester of arachidonic acid. However, it is the reference used in the office action should be considered and also in this case, the claim limitation has "and/or" with respect to acid/ester form in the amended claim. These are the reasons the rejection is maintained.

### **Conclusion**

4. Any inquiry concerning the communication or earlier communications from the examiner should be directed to Bhaskar Mukhopadhyay whose telephone number is (571)-270-1139.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Humera Sheikh can be reached on (571)-272- 0604. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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